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PTO/SB/61 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)**

Docket Number (Optional)

1231ROG-US

First Named Inventor: Joseph Rogozinski

Art Unit: 3764

Application Number: 10/806,231

Examiner:

Filed: March 23, 2004

Title: MAN-MACHINE INTEREFACE IMPROVEMENT

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee-required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee☒ Small entity - fee \$ 250 (37 CFR 1.17(I)). Applicant claims small entity status.
See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(I)).**2. Reply and/or fee**A The reply and/or fee to the above-noted Office action in the form of
Substitute specification per 37 CFR 1.52(b) (identify the type of reply):☐ has been filed previously on _____☒ is enclosed herewith.

B The issue fee of \$ _____

☐ has been filed previously on _____☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

03/16/2005 EKOLI1 00000016 10806231

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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/55/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

David Klein
Signature

March 16, 2005
Date

David Klein
Typed or printed name

41,118

Registration Number, if applicable

Belt HaRofim, 18 Menuha VeNahala Street, Room 27
Address

972-8-949-5334

Telephone Number

Rehovot 76209, ISRAEL
Address

- Enclosure ☒ Fee Payment
☒ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unavoidable delay

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.6(a))

I hereby certify that this correspondence is being:
☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9300.

March 16, 2005
Date

David Klein
Signature

David Klein

Typed or printed name of person signing certificate

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NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

David Klein
Signature

March 16, 2005
Date

David Klein

Typed or printed name

41,118

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

I, David Klein, am a sole practitioner and run my office by myself with no secretary. Only after receiving a Notice of Abandonment, mailed February 18, 2005, did I realize something had gone wrong. After investigation, what happened was a Notice to File Corrected Application Papers was mailed by the USPTO on June 4, 2004. The Notice requested a substitute specification because of improper line spacing. The notice apparently arrived at my office in Rehovot, Israel, by mail on or around June 21, 2004. On that day, June 21, 2004, our family had a terrible tragedy. Our beloved 10-year old daughter Malka was properly walking in a cross-walk crossing a street in Rehovot, when a car came along, violated all the traffic laws, struck and killed her. (Anyone interested in reading about this gifted and precious child can read a piece written by her brother that appeared six months later on the website choreldi.shemayisrael.com/archives5765/vayigash/homeandfam.htm)

Because of the tragedy, this piece of mail was overlooked and no response was sent.

(Please attach additional sheets if additional space is needed.)

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